

REMARKS

Claims 1-23 are pending in the application and stand rejected. Claims 2, 4 and 11 have been amended. A marked-up version of the claim amendments is annexed hereto. The Examiner's reconsideration of the claim rejections is respectfully requested in view of the following remarks.

Claim Rejections- Defective Oath

Claims 1-18 were rejected as being based on a defective Oath or Declaration for the reasons set forth on page 2 of the Office Action. Applicant respectfully traverses the rejection.

It is respectfully submitted that the Declaration filed on September 24, 2001, for the above-identified application (a copy of which is annexed hereto for reference) is believed to fully satisfy the requirements of 37 CFR 1.63.

In particular, there is no requirement under 37 CFR 1.63 that (1) the oath or declaration must reference a U.S. Parent Application of a CIP or that (ii) that the inventor *specifically* acknowledge the duty to disclose all information known to be material to patentability which occurred between the filing date of the prior parent application and the filing date of the current CIP application, as essentially contended in the Office Action

In contrast, all that is required under 37 CFR 1.63(c)(2) is that *foreign applications for which priority is claimed* are to be identified in the Declaration (for which there are exceptions). Applicant is currently not claiming priority to a foreign application. Therefore, it is respectfully submitted that the Declaration can not be deemed defective for not including information under 35 U.S.C. 120 for a U.S. parent application.

In addition, with respect to the duty to disclose information that is material to the patentability of the invention, all that is required under 37 CFR 1.63(b)(3) is "*that the person*

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making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.” The Examiner is respectfully directed to page 1 of the Declaration attached hereto, wherein the acknowledgment to disclose material information is specifically provided.

Therefore, it is believed that the Declaration is sufficient and Applicant respectfully requests withdrawal of the claim rejection. If Examiner still maintains that the Declaration is defective, Applicant can provide a new Declaration.

Claim Rejections - 35 U.S.C. § 112

Claims 1-23 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth on page 2 of the Office Action. Applicant has amended claims 2, 4 and 11 to provide proper antecedent basis. Accordingly, the withdrawal of the claim rejection is respectfully requested.

For the foregoing reasons, the present application is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,


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Marked-Up Version of Claim Amendments

2. (Amended) The structure as recited in claim 1, wherein the [first] metal layer includes copper.
4. (Amended) The structure as recited in claim 1, further comprising a barrier layer disposed between the interconnect and the metal [line] layer to prevent diffusion therebetween.
11. (Amended) The structure as recited in claim 10, wherein the [first] metal layer includes copper.